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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,034	06/23/2000	Jeffry Jovan Philyaw	PHLY-25,337	9028
25883	7590	05/20/2005	EXAMINER	
HOWISON & ARNOTT, L.L.P			JACOBS, LASHONDA T	
P.O. BOX 741715			ART UNIT	
DALLAS, TX 75374-1715			PAPER NUMBER	
			2157	
DATE MAILED: 05/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/602,034	PHILYAW, JEFFRY JOVAN	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on February 18, 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicant's Amendment and Request for Reconsideration filed on February 18, 2005. Claims 1-18 are presented for further examination.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The application fails to disclose the criteria needed in order for one to determine in response to thereto, transferring to the user PC control information, which the control information has no routing information contained therein that would uniquely identify the location of the remote location on the network, but which control information has a predetermined association with the remote device and the user utilizes the control information received from the cellular telephone to access information. The Examiner is puzzled as to how the user is able to use the control information that has no routing information to access information. How does the control information access information if it does have the routing information as to where this information is located. The

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specification is not enabling with respect to the claims at issue because all the methods needed to practice this invention is not well known.

3. Claims **1** and **10** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Any negative limitation or exclusionary proviso must have basis in the original disclosure. The application fails to disclose the criteria needed in order for one to determine in response to thereto, transferring to the user PC control information, which the control information has **no routing information** contained therein that would uniquely identify the location of the remote location on the network

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Tandler U.S. Pat. No. 6,519,463.

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As per claims 1 and 10, Tendler discloses to a user PC, comprising the steps of: a method and apparatus for accessing information over a network from a remote location on the network for delivery

- providing a functional mode on a cellular telephone for web access over the network, the cellular telephone separate from the user PC (col. 4, lines 6-27);
- associating a button on the cellular phone with the functional mode (col. 5, lines 6-13);
- activating the button on the cellular phone to activate the functional mode when in proximity to the user PC (col. 5, lines 44-54);
- transferring to the user PC control information, which control information has no routing information contained therein that would uniquely identify the location of the remote location on the network, but which control information has a predetermined association with the remote location (col. 5, lines 44-54); and
- in response to activation of the functional mode, controlling the user PC to access information from the remote location on the network for delivery to the user PC and display thereof on a display associated with the user PC (col. 5, lines 55-65).

As per claims 2 and 11, Tendler discloses:

- wherein the functional mode has associated therewith a unique code, which unique code is associated with the remote location, such that the user PC is controlled in accordance with the unique code to access the predetermined remote location (col. 5, lines 44-54).

As per claims 3 and 12, Tendler discloses:

- wherein the step of providing the functional mode comprises storing the unique code in the cellular telephone, which unique code is associated in the step of associating with

the button, such that the unique code is output as a function of activation of the button in the step of activating for delivery to the user PC in the step of controlling (col. 4, lines 6-27).

As per claims 4 and 13, Tendler discloses:

- wherein the step activating comprises transmitting the unique code to the user PC and the user PC further including the step of receiving the unique code from the cellular telephone and, in response thereto, accesses the information from the remote location on the network (col. 4, lines 6-27).

As per claims 5 and 14, Tendler discloses:

- wherein the step of transmitting comprises transmitting via a wireless mode (col. 5, lines 44-54).

As per claims 6 and 15, Tendler discloses:

- wherein the step of transmitting via the wireless mode includes transmitting via an optical link (col. 6, lines 41-54).

As per claims 7 and 16, Tendler discloses:

- receiving the unique code (col. 5, lines 6-13);
- transmitting the unique code to an intermediate node on the network (col. 5, lines 6-13);
- providing a relational database at the intermediate node on the network having contained therein a relational table between one or more unique codes and corresponding location information of the network (col. 5, lines 44-54);

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- comparing the unique code transmitted to the intermediate node with location that resides in the informational database and, if there is a match transmitting the matched location information back to the user PC (col. 5, lines 55-65); and
- connecting the user PC to the remote location in accordance with the matched location information returned thereto from the intermediate node (col. 5, lines 66-67 and col. 6, lines 1-4).

As per claim 8 and 17, Tendler discloses:

- wherein the step of transmitting comprises an audio signal wherein the step of receiving comprises receiving and detecting the audio signal and extracting the information in the unique code therefrom (col. 6, lines 41-49).

As per claims 9 and 18, Tendler disclose:

- wherein the network is a global communication network (col. 2, lines 63-66).

### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

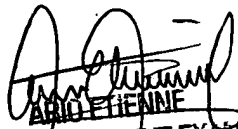
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
May 11, 2005

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER